

**Tennessee Department of Environment and Conservation
Division of Underground Storage Tanks
Office of the Director**

Regulatory Interpretive Memo

**DATE: March 28, 2002
TO: All UST Division Staff
FROM: Wayne Gregory**

SUBJECT: Start-up Test Record Retention

QUESTION:

What retention time is required for the record of the start-up test required in rule 1200-1-15-.02(1)(d)?

**APPLICABLE TENNESSEE PETROLEUM
UNDERGROUND STORAGE TANK REGULATIONS**

Rule 1200-1-15-.02(1)

- (d) Installation.
 - 2. After installation has been completed and before the system is placed into operation, a tank tightness test as specified by rule 1200-1-15-.04(3)(c) and a line tightness test as specified in rule 1200-1-15-.04(4)(b) shall be conducted, except that a line tightness test is not required for suction systems meeting the standards set forth in rule 1200-1-15-.04(2)(b)2(i) through (v). The tank tightness test and line tightness test, if required, shall indicate the tank system will not leak prior to placing the tank system into operation
- (e) Certification of installation. All owners and/or operators shall ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subparagraph (d) of rule 1200-1-15-.02(1) by providing a certification of compliance on the UST notification form in accordance with rule 1200-1-15-.02(3).
 - 1. The installer has been certified by the tank and piping manufacturers; or
 - 2. The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or
 - 3. The installation has been inspected and approved by the Division; or
 - 4. All work listed in the manufacturer's installation checklists has been completed; or

5. The owner and operator have complied with another method for ensuring compliance with paragraph (d) of rule 1200-1-15-.02(1) that is determined by the Division to be no less protective of human health and the environment.

Rule 1200-1-15-.03

(5) Reporting and record keeping.

Owners and/or operators of UST systems shall cooperate fully with inspections, monitoring and testing conducted by the Division, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to the Tennessee Petroleum Underground Storage Tank Act T.C.A. §68-215-107.

(a) Reporting. Owners and/or operators shall submit the following information to the Division:

1. Notification for all UST systems (rule 1200-1-15-.02(3)), which includes certification of installation for new UST systems (rules 1200-1-15-.02(1)(e));

(b) Record keeping. Owners and/or operators shall maintain the following information:

1. A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (rule 1200-1-15-.02(1)(a)4; rule 1200-1-15-.02(1)(b)3);
2. Documentation of operation of corrosion protection equipment (rule 1200-1-15-.03(2));
3. Documentation of UST system repairs (rule 1200-1-15-.03(4)(f));
4. Recent compliance with release detection requirements (rule 1200-1-15-.04(5)); and
5. Results of the site investigation conducted at permanent closure (rule 1200-1-15-.07(5)).

1200-1-15-.04

(5) Release detection record keeping.

All UST system owners and/or operators shall maintain records in accordance with rule 1200-1-15-.03(5) demonstrating compliance with all applicable requirements of rule 1200-1-15-.04. These records shall include the following:

- (a) All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for 5 years from the date of installation;

- (b) The results of any sampling, testing, or monitoring shall be maintained for at least 1 year except that the results of tank tightness testing conducted in accordance with rule 1200-1-15-.04(3)(c) shall be retained until the next test is conducted; and
- (c) Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site shall be maintained for at least one year after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for 5 years from the date of installation.

DISCUSSION & ANALYSIS

A review of the requirements for start-up testing in rule 1200-1-15-.02(1)(d) fails to locate any language which directly addresses the retention of the record of the start-up tank and line tightness tests. The requirements for certification of installation in rule 1200-1-15-.02(1)(e) do not mention the start-up test nor the record of the test.

Consequently, we must look elsewhere for guidance on retention time for this record. Rule 1200-1-15-.03(5)(b)4 informs us that information on recent compliance with release detection requirements must be maintained. Rule 1200-1-15-.02(1)(d)2, which requires the start-up test, states that the tightness testing must be done in accordance with rule 1200-1-15-.04(3)(c) or (4)(b), for tanks or lines, respectively. Rule 1200-1-15-.04 is the rule which contains release detection requirements. Paragraph (5) of rule 1200-1-15-.04 states that owners and/or operators must maintain records demonstrating compliance with all applicable requirements of that rule. Since the release detection requirements in 1200-1-15-.04(3)(c) and (4)(b) are applicable to start-up testing (see rule 1200-1-15-.02(1)(d)2), the record keeping requirements for release detection apply to start-up testing. Release detection test results must be maintained for at least 1 year except that tank tightness test results must be kept until the next test is conducted (this accommodates the 5 year test requirement for tanks which have been installed or upgraded within the last few years).

Therefore, the record of the line tightness start-up test for pressurized piping must be retained for one year. The tank tightness start-up test record must be retained until it is replaced by the record from the next regularly scheduled tank tightness test. [It should be noted that automatic tank gauging devices which can meet the performance standards for tank tightness testing as set forth in rule 1200-1-15-.04(3)(c) may be used to produce the replacement record. Therefore, one tank owner, using an ATG capable of detecting a 0.1 gallon per hour leak rate, might only have to keep the record of the start-up test for one month while another tank owner, using vapor monitoring, would have to keep the start-up test indefinitely (since there would not be a "next" test to replace the start-up test).]

CONCLUSION

The start-up line tightness test results for pressurized piping must be retained for one year. The start-up tank tightness test results must be retained until replaced by the results from the next regularly scheduled tank tightness test.